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OCT 03 2008

Practitioner's Docket No. 2002DE141

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ruediger WINTER, et al. : Attorney Docket: 2002DE141  
Serial No.: 10/532,565 : Art Unit: 1793  
Filed: April 22, 2005 : Examiner: Abu Ali, S.  
For: Method And Device For Carrying Out Chemical And Physical Methods

CERTIFICATION OF FACSIMILE TRANSMISSION

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that the following papers are being facsimile transmitted to the Patent and Trademark Office (Fax No.: 1-571-273-8300) on the date shown below:

1. Petition To Withdraw Holding Of Abandonment - Response To Office Communication Not Received (2 pages)
2. Response To Notice Of Non-Compliant Amendment (37CFR 1.121) (5 pages)
3. Office Action (Notice of Non-Compliant) Mailed Date December 6, 2007 (2 pages)
4. Declaration Of Jackie L. Wise (1 page)
5. Daily Journal November 30, 2007 Through January 16, 2008 (5 pages)
6. Declaration Of Vicki L. Sgro (1 page)
7. Notice of Abandonment Mail Date August 18, 2008 (2 pages)

**Total Pages including Certification of Transmission:** 19

Vicki L. Sgro: 

Date: October 3, 2008

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Practitioner's Docket No. 2002DE141

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ruediger WINTER, et al.

Serial No.: 10/532,565

Filed: April 22, 2005

For: METHOD AND DEVICE FOR CARRYING OUT CHEMICAL AND PHYSICAL  
METHODS

Art Unit: 1793

Examiner: Abu Ali, S.

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
— RESPONSE TO OFFICE COMMUNICATION NOT RECEIVED

1. I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Office Action forming the basis of the abandonment was not received.
2. I hereby state:
  - a. The Office Action indicated, as mailed on December 6, 2007 was not received.
  - b. A search of the file jacket and the docket records in my office indicates that this Office Action was not received.
3. I attach a copy of the docket record where the non-received Office Action would have been entered had it been received.

10/06/2008 HMARZ11 00000003 032060 10532565  
01 FC:1462 400.00 DA

## CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a) and 1.10

I hereby certify that this correspondence is, on the date shown below, is being transmitted by facsimile to Centralized Facsimile Number, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, Fax No. 571-273-8300 (2 pages)

Vicki L. Sgro: 


Date: 10-3-08

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OCT 03 2008

Page 2  
Serial No.: 10/532,565  
Ruediger WINTER, et al.

4. As additional evidence of non-receipt of the Office Action, I also attach:
- a. Declarations from Vicki Sgro and Jackie Wise who would have handled the Office Action had it been received. Such Declarations have been attached hereto. Copies of mail records that would disclose the receipt of other correspondence mailed from the PTO on or about the mail date of the non-received Office Action that fail to disclose the receipt of the Office Action mailed on that date.
5. In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn.
6. Upon receipt of the Notice of Abandonment, the undersigned's Paralegal obtained a copy of the subject Office Action. Therefore, attached hereto is an Amendment to the Outstanding Office Action.
7. The petition fee(37 C.F.R § 1.17(f) - \$400.00) is paid as follows:
8. In view of the above facts, I do not believe that a fee is necessary, however, if the undersigned is incorrect, the Commissioner is hereby authorized to charge deposit account 03-2060. The Commissioner is also authorized to credit any overpayment or charge any fee deficiency to Deposit Account No. 03-2060.

Date: 10-3-08Reg. No.: 36,277  
Tel. No.: 704-331-7156  
Customer No.: 25,255  
Signature of Practitioner  
Richard P. Silverman  
Clariant Corporation  
Intellectual Property Department  
4000 Monroe Road  
Charlotte, NC 28209

**RECEIVED**  
**CENTRAL FAX CENTER****OCT 03 2008****UNITED STATES PATENT AND TRADEMARK OFFICE**


**UNITED STATES DEPARTMENT OF COMMERCE**  
**U.S. Patent and Trademark Office**  
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Alexandria, Virginia 22313-1450  
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25255

12/06/2007

CLARIANT CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
4000 MONROE ROAD  
CHARLOTTE, NC 28205

**Paper No.**

|                              |  |                     |                   |
|------------------------------|--|---------------------|-------------------|
| <b>Application No.:</b>      | <b>10/532,565</b><br> | <b>Date Mailed:</b> | <b>12/06/2007</b> |
| <b>First Named Inventor:</b> | Winter, Ruediger,  | <b>Examiner:</b>    | ABU ALI, SHUANGYI |
| <b>Attorney Docket No.:</b>  | 2002DE141  | <b>Art Unit:</b>    | 1793              |
| <b>Confirmation No.:</b>     | 6714   | <b>Filing Date:</b> | 04/22/2005        |

Please find attached an Office communication concerning this application or proceeding.

**Commissioner for Patents**

PTO-90c (Rev.08-06)

|   |                               |                               |
|---|-------------------------------|-------------------------------|
| <b>Notice of Non-Compliant Amendment</b><br><b>(37 CFR 1.121)</b> | Application No.<br>10/532,565 | Applicant(s)<br>WINTER ET AL. |
|   |                               | Art Unit<br>1700              |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 27 November, 2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: claim 12 status identifier is incorrect because of markings.
- ☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

- Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance, or a drawing submission (only). If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
- Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or
- Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable Felicia Allen-Jenkins Telephone No: 571-272-0986

OCT 03 2008

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**Practitioner's Docket No. 2002DE141**

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Ruediger WINTER, et al. : Attorney Docket: 2002DE141  
Serial No.: **10/532,565** : Art Unit: 1793  
Filed: April 22, 2005 : Examiner: Abu Ali, S.  
For: Method And Device For Carrying Out Chemical And Physical  
Methods

Mail Stop: Petitions  
Commissioner for Patents  
Alexandria, VA 22313-1450

**DECLARATION OF Jackie L. Wise**

1. I, Jackie L. Wise, have been employed by Clariant Corporation as a legal assistant since July 1999.
2. I am responsible for opening incoming mail, stamping the date received on each, and writing the mail received by the office in a daily journal. A copy of the journal pertaining to the time period starting November 30, 2007 through January 16, 2008 is attached. There is no record of receiving the office action dated December 6, 2007 in the above matter.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 10-3-08Signature: Jackie L. Wise  
Jackie L. Wise**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a) and 1.10**

I hereby certify that this correspondence is, on the date shown below, is being transmitted by facsimile to **Centralized Facsimile Number**, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, Fax No. **571-273-8300** ( / pages)

Vicki L. Sgro: Vicki L. SgroDate: Oct 3, 2008

55

## Mail Received 11/30/2007

|          |               |            |                      |
|----------|---------------|------------|----------------------|
| 11/21/07 | 2001CH103     | 10/467,041 | Issue Notice         |
|          | 7,300,474     | 10/506,134 | Letters Pat          |
|          | 7,301,013     | 11/490,922 | " "                  |
|          | 7,300,914     | 10/917,399 | " "                  |
| 11/12/07 | 153-5368/CIP  | 08/843,103 | Notice of Pat Exp.   |
|          | HOE 971 F138  | 09/078,012 | " " " "              |
| 11/12/07 | 6,756,469     | 10/195,782 | Maint Fee Stated     |
| 11/12/07 | HOE 971 F138  | 09/078,012 | Notice of Pat Expire |
| 11/12/07 | 153-5368/CIP  | 08/843,103 | " " " "              |
| 11/21/07 | 2000 DE 449/C | 11/983,801 | Notice of Expiration |
| 11/28/07 | 2002 DE 436   | 10/533,429 | Corrected FR         |
| 11/28/07 | 2004 DE 107   | 01/591,578 | " " "                |
| 11/28/07 | 2003 CH 004   | 01/558,346 | Office Action        |
| 11/28/07 | 2004 L 5001   | 10/805,547 | " "                  |
| 11/28/07 | 2003 CH 104-2 | 01/546,503 | " "                  |
| 11/28/07 | 2003 DE 417   | 10/817,371 | " "                  |
| 11/28/07 | 2001 DE 432   | 10/484,971 | " "                  |
| 11/28/07 | 2000 DE 441/D | 10/606,095 | " "                  |

## Mail Received 12/4/2007

|          |             |            |                |
|----------|-------------|------------|----------------|
| 11/22/07 | 2006 DE 422 | 11/803,858 | Notice of Pub. |
| 11/22/07 | 2006 DE 423 | 11/803,874 | " " "          |
| 11/22/07 | 2006 DE 424 | 11/803,798 | " " "          |
| 11/22/07 | 2004 DE 421 | 11/803,786 | " " "          |
| 11/29/07 | 2004 DE 123 | 11/631,587 | Filing Receipt |
| 11/30/07 | 2004 DE 436 | 11/234,044 | Office Action  |

## Mail Received 12/6/2007

|          |                   |            |                     |
|----------|-------------------|------------|---------------------|
| 11/28/07 | 1999 DE 132       | 09/722,760 | Issue Notice        |
| 11/28/07 | 2000 DE 104/CIP/D | 11/450,228 | " "                 |
| 12/3/07  | 2006 DE 456       | 11/978,873 | Filing Receipt      |
| 12/3/07  | 2001 CH 012       | 10/467,136 | Notice of Allowance |
| 12/3/07  | 2002 DE 442       | 10/537,554 | " " "               |

66

## Mail Received 12/7/2007

11/26/07 HOE96H012 081920,305 Notice of Pat Express

## Mail Received 12/10/2007

12/6/07 2004 DE 420 11/629,325 Filing Receipt

12/6/07 2004 DE 420 11/629,325 Notice of Accept

11/29/07 2004 DE 437 11/664,329 Notice of Pub

11/26/07 HOE96H012 081920,305 Notice of Pat Express

## Mail Received 12/11/2007

12/7/07 2003 DE 420 10/555,290 Notice of Abandoned

12/5/07 2003 DE 136 10/579,344 Abandon Notice

12/7/07 2004 DE 454 11/980,292 Notice of Pat Express

## Mail Received 12/12/2007

2005 DE 111 11/921,550 Ack postcard

2005 DE 423 11/921,551 " " "

12/10/07 2000 DE 463 10/025,065 Office action

12/10/07 2003 DE 121 10/890,427 " " "

2/10/07 2004 DE 127 11/182,467 " " "

## Mail Received 12/13/2007

12/11/07 2001 DE 313 10/236,749 Notice of Change of POA

12/11/07 2003 DE 108 10/550,995 Office Action

12/11/07 2000 DE 448/K 11/982,801 Filing Receipt

7,307,170 10/467,041 Letters Pat

## Mail Received 12/14/2007

12/12/07 2004 DE 002 10/594,176 Notice of Accept

2/12/07 2004 DE 002 10/594,176 Filing Receipt

12/11/07 2003 DE 115 10/839,991 Notice of Abandoned

2/12/07 2004 DE 121 11/628,912 Notice of Accept

12/12/07 2004 DE 121 11/628,912 Filing Receipt

DEX I COM 79/034-031 Cert. of Registration

COLOR FORWARD 79/033,900 " " "



## Mail Received 12/17/2007

12/13/07 1999 US 001/D 11/353,732 Office Action

## Mail Received 12/18/2007

2005 CH 011 11/921,883 Ack post Card

2005 DE 428 11/921,884 " " "

12/12/07 2002 DE 140 10/532,774 Office Action

12/12/07 1999 DE 44-RE 10/893,704 Class Notice

12/14/07 2003 DE 144 11/015,188 Office Action

## Mail Received 12/19/2007

2006 DE 152 11/959,986 Ack post Card

12/4/07 2004 DE 413 11/547,285 Notice, Pub

## Mail Received 12/20/2007

7,309,558 09/1722,760 Letters Pat

7,309,389 11/450,228 " "

12/18/07 2003 DE 105/D 11/540,474 Notice of allowance

12/18/07 2003 DE 142 11/015,195 " " "

12/18/07 2001 DE 104 10/468,472 Office Action

## Mail Received 1/2/2008

2006 DE 154 12/002,134 Ack post Card

2005 ~~DE~~ CH 005 11/922,398 " " "

12/19/07 ARISTOFLEX 0,830,423 Post Rec. Office Action

12/19/07 2001 DE 307 10/171,444 Chang. of Power of AHA.

12/20/07 2004 DE 454 11/792,768 Filing Receipt

12/20/07 2004 DE 454 11/792,768 Notice of Accept.

12/28/07 2006 DE 133 11/904,902 Filing Receipt

12/26/07 2003 DE 134 10/577,590 Class Notice

12/26/07 2003 DE 132 10/576,222 " "

12/27/07 2002 DE 114 10/516,928 Office Action

12/19/07 2003 DE 116 10/850,245 " "

12/3/07 1998 DE 311 09/366,470 Maintenance Fee Resub.

11/19/07 1992 DE 407 09/135,267 " " "

Cont

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Cmt of 11/2/2008

|                    |                 |            |                            |      |
|--------------------|-----------------|------------|----------------------------|------|
| 12/3/07            | 158-5714        | 08/197,901 | Notice of Inst. Expiration | 1/9  |
| <del>12/3/07</del> | Pat # 7,311,769 | 10/579,344 | Letters Pat.               | 12/  |
| 12/3/07            | 2004DE201       | 11/663,521 | Notice of Accept           | 12/1 |
| 12/3/07            | 2004DE201       | 11/663,521 | Fee Receipt                | 12/1 |
| 12/3/07            | 2004DE450       | 11/384,524 | Office Action              | 12/1 |

Mail Received 1/3/2008

|         |           |            |               |     |
|---------|-----------|------------|---------------|-----|
| 12/3/07 | 2004DE411 | 10/594,210 | Office Action | 1/9 |
|---------|-----------|------------|---------------|-----|

Mail Received 1/4/2008

|          |            |             |                       |                |
|----------|------------|-------------|-----------------------|----------------|
| 12/27/07 | 2006DG154  | 12/002,134  | Notice of Recordation | 1/9            |
| 12/27/07 | 2005CH011  | 11/921,883  | " " "                 | 12/            |
| 12/20/07 | 2004DE454  | 11/792,708  | Revised Pub. Date     | <del>12/</del> |
| 12/20/07 | 2004US401  | 11/0454,287 | Notice of Pub.        | 12/1           |
| 1/2/08   | 2003DE410  | 10/783,153  | Office Action         | 12/1           |
| 1/2/08   | 2001DE108  | 10/476,894  | " "                   | 1/1            |
|          | USRE39,993 | 10/893,704  | Letters Pat.          | 1/1            |

Mail Received 1/7/2008

|          |           |            |                        |     |
|----------|-----------|------------|------------------------|-----|
|          | 2005DE430 | 11/922,855 | ackpost Card           | 1/1 |
|          | 2005DE429 | 11/922,854 | " " "                  | 1/1 |
| 1/2/08   | 2005CH005 | 11/922,398 | Notice of Recordation  | 1/  |
| 1/3/08   | 1999DE304 | 09/914,478 | Change of Name of App. | 1/  |
| 1/2/08   | 2003DE433 | 10/897,938 | Office Action          | 1/  |
| 2/27/07  | 2004CH120 | 11/791,386 | Notice of Pub.         | 1/1 |
| 12/27/07 | 2004CH015 | 11/661,491 | " " "                  | 1/1 |
| 1/4/07   | 2003DE117 | 10/533,475 | Office Action          | 1/1 |

Mail Received 1/11/2008

|        |           |            |               |     |
|--------|-----------|------------|---------------|-----|
| 1/8/08 | 2004DE409 | 11/082,449 | Office Action | 1/1 |
|--------|-----------|------------|---------------|-----|

Mail Received 1/14/08

|         |           |            |               |      |
|---------|-----------|------------|---------------|------|
| 1/2/008 | 2003DE419 | 10/828,569 | Office Action | 1/15 |
| 1/2/008 | 2003DE431 | 10/896,128 | Office Action | 1/15 |
| 1/08    | 2003US402 | 10/972,465 | Office Action | 1/15 |

Continued

Cont 1/14/08

|                       |                         |                     |  |
|-----------------------|-------------------------|---------------------|--|
| 1/9/08                | 2000 DE 446/C           | 120045 49           | Notice of<br>Receipt                     |
| 12/17/07              | DC-1305 D1              | 08820743            | Notice of Expiration                     |
| 12/10/07              | 577-075                 | 08418272            | Notice of Expiration                     |
| 12/11/07              | HOE 93F204              | 08277518            | Notice of Expiration                     |
| 12/3/07               | 1585716                 | 08127901            | Notice of Expiration                     |
| 1/9/08                | 2003 DE 412             | 10/183,189          | Issue Notification                       |
| 1/9/08                | 2002 DE 410             | 10/388,078          | "  |
| 1/9/08                | 2005 DE 313             | 11/526,337          | "  |
| 1/9/08                | 2001 DE 440             | 10/495,560          | "  |
| 12/24/07              | 2000 DE 317             | 10037078            | Notice of Expiration                     |
| <del>12/24/07</del>   | <del>HOE 97/F048C</del> | <del>09272839</del> | <del>Notice of Expiration</del>          |
| 12/24/07              | HOE 97/F048C            | 09272839            | Notice of Expiration                     |
| 12/24/07              | 2000 DE 315             | 10004600            | Notice of Expiration                     |
| 1/11/08               | 2004 DE 132             | 11/244,475          | Office Action                            |
| 1/11/08               | 2004 DE 412             | 11/100,687          | Office Action                            |
| 1/11/08               | 2003 DE 125             | 10/893,780          | Office Action                            |
| 1/11/08               | 2004 DE 442             | 11/156,126          | Office Action                            |
| 1/11/08               | 2004 DE 446             | 11/667,328          | Filing Receipt                           |
| 1/11/08               | 2004 DE 446             | 11/667,328          | Notice of Acceptance                     |
| 1/9/08                | 2001 DE 313/D           | 10/650,370          | Change of Power<br>of Attorney           |
| 1/14/08               | 2003 DE 111             | 10/553,819          |  |
| Mail Received 1/16/08 |                         |                     |  |
| 1/14/08               | 2003 DE 111             | 10/553,819          | Notice of<br>Abandonment                 |
| Mail Received 1/18    |                         |                     |  |
| 1/14/08               | US 7,318,860 B2         | 10/577,590          | Patent -<br>Letter                       |
| 1/14/08               | 2003 DE 111             | 10/553,819          | Not                                      |
| 1/15/08               | 2000 DE 314             | 10/433,827          | Notice of Change of<br>Power of Attorney |
| 1/15/08               | 2004 DE 449             | 11/667,435          | NOTIFICATION of<br>Missing Requirements  |
| 1/15/08               | 2004 DE 448             | 11/667,436          | NOTICE of<br>Missing Requirements        |
| 1/15/08               | 2001 DE 441             | 10/495,558          | Notice of Allowance                      |
| Continued             |                         |                     |  |

OCT 03 2008

**Practitioner's Docket No.2002DE141****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Ruediger WINTER, et al. : Attorney Docket: 2002DE141  
Serial No.: **10/532,565** : Art Unit: 1793  
Filed: April 22, 2005 : Examiner: Abu Ali, S.  
For: Method And Device For Carrying Out Chemical And Physical  
Methods

**DECLARATION OF VICKI L. SGRO**

1. I, Vicki Sgro, have been employed by Clariant Corporation as a paralegal since January 4, 2000.
2. I am responsible for docketing Office Actions in our patent docketing system.
3. On August 18, 2008, I received a Notice of Abandonment in the above-identified application. The Abandonment mentioned an Office Action dated 06 December 2007.
4. Upon review of the patent database, it was determined that I did not receive the Office Action dated 06 December 2007. My procedure is to docket the Office Action upon receipt and give to our legal assistant, Jackie Wise, for reporting to our colleagues in Sulzbach, Germany. The action was not in our database and after review of the application it was determined that the office action was not located in the file.
5. It is my belief that I did not receive the office action in my office to docket in connection with the above-identified application.

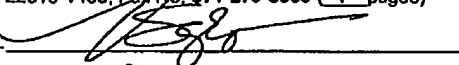
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 10-3-08Signature: 

Vicki L. Sgro

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a) and 1.10**

I hereby certify that this correspondence is, on the date shown below, is being transmitted by facsimile to Centralized Facsimile Number, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, Fax No. 571-273-8300 (1 pages)

Vicki L. Sgro: Date: 10-3-08



## UNITED STATES PATENT AND TRADEMARK OFFICE

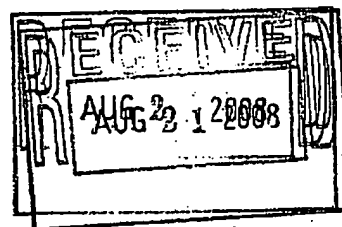
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO.       |
|--|-------------|----------------------|------------------------------|------------------------|
| 10/532,565   | 04/22/2005  | Ruediger Winter      | 2002DE141                    | 6714                   |
| 25255 7590 08/18/2008<br>CLARIANT CORPORATION<br>INTELLECTUAL PROPERTY DEPARTMENT<br>4000 MONROE ROAD<br>CHARLOTTE, NC 28205 |             |                      | EXAMINER<br>ABU ALI SHUANGYI |                        |
|  |             |                      | ART UNIT<br>1793             | PAPER NUMBER           |
|  |             |                      | MAIL DATE<br>08/18/2008      | DELIVERY MODE<br>PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

*Petition to Withdraw  
Holding of Abandonment  
Action never received  
du 9-18-2008  
10-18-2008*



**Notice of Abandonment**

Application No.

10/532,565

Applicant(s)

WINTER ET AL.

Examiner

SHUANGYI ABU ALI

Art Unit

1793

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 06 December 2007.(a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.(b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).(c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).(d) ☒ No reply has been received.2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).(a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).(b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.

The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.

(c) ☐ The issue fee and publication fee, if applicable, has not been received.3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).(a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.(b) ☐ No corrected drawings have been received.4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.7. ☐ The reason(s) below:

SA

/Michael A Marcheschi/  
Primary Examiner, Art Unit 1793

✓ Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office  
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

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